Another Click in the Wall

A Legal Analysis of the Proposed Turkish Social Media Ban for Children

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The Australian social media ban for children under 16, introduced in December 2025, appears to have influenced lawmakers across Europe: one country after another announces its intention to implement similar restrictions on children's access to social media. France, Turkey, Spain, and the UK are the forerunners for the time being. Germany, too, is actively debating similar regulation, with legislation likely to follow soon.

This piece contributes to the debate by examining a Turkish draft law imposing a social media ban on children under 15 and restrictions on children aged 15 and older, introduced in the Grand National Assembly of Turkey (hereinafter, the Parliament) on 4 March. Although the Turkish approach offers a more advanced model by introducing a two-tiered system, it appears that some of the central flaws of the current trend are not overcome.

The regulatory shift and the legal challenges

Regulating children's use of online services is not a new legal phenomenon. However, previously, the focus was on privacy, as seen in Article 8 of the EU's GDPR, while the recent legislative initiatives mark a departure in aim and purpose. The emerging approach aims for an absolute ban on social media for children, regardless of parental consent, time or content limitations. Therefore, the ban is not solely aimed at preventing children from accessing harmful content; it treats such platforms as inherently harmful for children.

For instance, the Australian ban was introduced for access to social media platforms with the aim of minimising "exposure to the harms experienced by young people on social media", "such as cyber bullying, body image issues, eating disorders and addiction to scrolling". To implement this, children are prevented from opening social media accounts. However, the Australian ban has been challenged by both children, as supported by an NGO, and by one of the affected platforms, Reddit. Both legal proceedings are based on the constitutional freedom of communication on political and government matters and are ongoing.

The argument of the first challenge is that the ban burdens political communication more than reasonably necessary to achieve its purpose since there are better alternatives to an absolute ban, such as "parental consent pathways for 14-15 year olds, … targeted moderation/takedown". Reddit's challenge, among others, is based on the argument that the ban does not provide sufficient protection because social media content remains accessible to children in logged-out mode. Therefore, it argues that

> *"a person under the age of 16 can be more easily protected from online harm if they have an account, being the very thing that is prohibited […] because the account can be subject to settings that limit their access to particular kinds of content that may be harmful to them".*

These challenges are relevant not only to the Australian ban but also to any country that adopts the new regulatory approach, including Turkey.

The two-tiered Turkish draft law

The Turkish draft law adds and amends Law 5651 on Regulation of Publications on the Internet and Combating Crimes Committed by Means of Such Publication (hereinafter, the Turkish Internet Law). Although its details may change at a later parliamen-

tary stage, the government's draft law is expected to retain its main pillars.

The draft law introduces an absolute ban on social media for children under 15, while foreseeing tailored services to children aged 15 and older (i.e., until the age of 18). The explanatory memorandum explains the aim of the ban and restrictions as

> *"to introduce firm and protective measures to safeguard children's physical, psychological and social development from harmful content, cyber-bullying and abuse in the digital environment".*

The proposed absolute ban is identical to the Australian Act, except for the age threshold. The parliamentary commission report cites scientific research for the 15-year-old threshold. It is also possible that the 15-year-old threshold is preferred to align the legislation with the criminal liability rule for minors under the Turkish Criminal Code. The tailored services for children aged 15 and older are original to the Turkish draft law.

Tailored social media services for children are not entirely new in the Turkish legal system. For instance, the Turkish Internet Law, similar to Article 28 of the EU's Digital Services Act (DSA), already requires social network providers to take the necessary measures to provide tailored services for children by taking the child's age and best interests into account. However, the existing legal framework is drafted in general terms, without requiring specific measures. The draft law clearly takes a different route, not only by requiring social media platforms to publish the measures they have taken, but also by requiring them to introduce parental control features that allow parents to control account settings, oversee paid transactions, and monitor and limit screen time. In this sense, the draft law moves towards concrete obligations for the platforms. This approach seems akin to the European Commission's 2025 Guidelines, which describe tools for guardians as complementary to safety-by-design measures, and therefore envisage parental control features as one possible element of platforms' compliance strategies.

The effects of the restrictions on children's social media usage

An issue intrinsic to any absolute ban or restricted access of this kind is the effect of the lack of access to social media on children. The issue is closely related to various aspects of the freedom of expression of children, such as the right to receive and impart information and ideas, under Article 26 of the Turkish Constitution and Article 10 of the ECHR. As stated by the UN Committee on the Rights of the Child (hereinafter, the UN Committee), "[t]he digital environment provides a unique opportunity for children to realize the right to access to information."

One should consider the role of social media in contemporary society. Such platforms are not mere websites where one can like cute AI-generated cat videos. The nature of social media as a modern public square must not be overlooked, since such platforms "for many are the principal sources for knowing current events, checking ads for employment, speaking and listening in the modern public square, and otherwise exploring the vast realms of human thought and knowledge". Preventing and restricting access to these "modern public squares" will have significant effects on children, potentially partially positive, but also adverse, as they play a critical role in children's participation in public debates.

The proposed two-tiered system might, at first, seem more advanced than the single-tiered Australian system, since it allows the second tier to use social media in a "tailored" environment. In theory, we agree with the tiered approach, which aligns with the UN Committee's position: states "should respect the evolving capacities of the child as an enabling principle that addresses the process of their gradual acquisition of competencies, understanding and agency."

However, the proposed two-tiered system restricts access to social media until the age of 18. Considering that any Turkish citizen aged 18 or over can vote and stand for election in a parliamentary election, whether restricting children's access to social media until the day they can become an MP is proportionate remains to be determined. Similarly, another key question,

which is also raised against the Australian ban, is whether an absolute ban until the age of 15 is necessary, while tailored services can be provided. In this vein, the EU Commission's 2025 Guidelines state that "parts of social media services with content, sections or functions that may pose a risk to minors [...] should only be made available to adult users whose age has been verified accordingly."

The obligations of the social network providers

Under the draft law, the obligation bearer is set as the "social network providers", which is defined as "[n]atural or legal persons that enable users to create, view, or share content such as text, images, audio, and location on the internet for the purpose of social interaction" under Article 2(s) of the Turkish Internet Law. This definition is not confined to social networks in the narrow sense but also encompasses user-generated content (UGC) platforms. Although the wording of the definition is rather vague and may include other platforms, such as messaging services, in practice, it has been interpreted and applied to cover only large social networks and UGC platforms.

The social network providers will be obliged to ensure compliance and not to "provide services" to children under 15 by "taking necessary measures", including age verification. Similarly, they will be responsible for "taking necessary measures" to provide tailored services to children aged 15 or older. In comparison, the Australian act requires social media platforms to take "reasonable steps to prevent age-restricted users having accounts". The difference between the obligation not to provide services and to prevent having accounts might be mere semantics. However, if one considers Reddit's legal challenge in Australia, the difference might become vital. As stated by Reddit, most social media content is available to the public, including children, in logged-out mode, which renders the Australian ban ineffective. The Turkish draft law imposes an obligation not to provide services, which can be interpreted as affecting access to social media content in logged-out mode.

Such an interpretation would resolve the critique against the Australian Act, yet would also significantly limit the services that social networks can provide, not just to children but also to adults. Furthermore, adults would need an account to access any kind of social media content. These extensive consequences might be questioned on proportionality grounds. Neither the draft law nor the explanatory memorandum has any clear indication of the intended scope of the obligation not to provide services. It may be further clarified by an addition or an amendment at a later parliamentary stage or a secondary regulation. However, the lack of clarity of the current draft law may also be a potential critique under the principle of legality.

In line with their obligations, social network providers will also be responsible for age verification; however, the draft law provides no further details on the age-verification process. In comparison, the Australian Act provides the bare minimum threshold for the privacy measures by prohibiting the collection of government-issued identification material or the use of services that collect such material without providing reasonable alternative means. Given that age verification mechanisms often raise valid concerns about user privacy by processing sensitive data, such as biometrics or identity documents, ensuring an age verification framework that is both effective and privacy-respecting remains a challenge affecting both children and adults. These concerns could be particularly acute if age verification is left to social network providers or to a governmental digital identity system, without using regulated independent intermediaries.

Regardless of the details of the Turkish draft law, the question of whether age verification can be sufficiently effective remains a persistent one. Minors can easily bypass the age verification requirement with a few clicks by using VPNs. All this signals that people of a certain age with not-so-extensive knowledge of technology can, in one way or another, get around any online ban. In light of this, whether strict regulations are necessary or a less restrictive approach might be preferable to ensure that the targeted group does not seek (perhaps more harmful) alternatives.

Conclusion

The emerging regulatory trend aims to protect children from "harmful" social media platforms. We agree that the underlying concerns driving the regulatory trend are widely valid. However, the ongoing debate largely ignores the potential adverse effects of (nearly) complete exclusion of children from the "modern public squares". One must not forget that the new generation lives in a world shaped by today's technology. Any legal solution must be capable of living in that world, too.

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